

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JEROME KELLEY)
Plaintiff,)
v.) **Civil Case No. 2:07-CV-820-MEF**
CRACKER BARREL OLD)
COUNTRY STORE, INC.)
Defendant.)

MOTION FOR ADMISSION PRO HAC VICE

Pursuant to Local Rule 83.1(b), Defendant Cracker Barrel Old Country Store, Inc. ("Cracker Barrel") moves the Court for an order permitting Mr. David Gevertz and Mr. Stephen Pocalyko to appear *pro hac vice* as counsel in this case.

As grounds for this motion, Cracker Barrel states the following:

1.

Mr. Gevertz is an attorney and partner of the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., with offices located at Six Concourse Parkway, Suite 3100, Atlanta, Georgia 30328. Mr. Gevertz resides at 2605 Mercedes Drive, Atlanta, Georgia 30345. Mr. Gevertz is admitted to practice before the U.S. District Court for the Northern District of Georgia and is in good

standing with that court. See attached Certificate of Good Standing from the U.S. District Court for the Northern District of Georgia.

2.

Mr. Pocalyko is an attorney of the law firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., with offices located at Six Concourse Parkway, Suite 3100, Atlanta, Georgia 30328. Mr. Pocalyko resides at 4037 Arden Way, N.E., Atlanta, Georgia 30342. Moreover, Mr. Pocalyko is admitted to practice before the U.S. District Court for the Northern District of Georgia and is in good standing with this court. See attached Certificate of Good Standing from the U.S. District Court for the Northern District of Georgia.

3.

Cracker Barrel contemporaneously tenders a check in the amount of \$40 to the Clerk with the filing of this motion.

WHEREFORE, Cracker Barrel respectfully requests that Mr. Gevertz and Mr. Pocalyko be allowed to appear as counsel on behalf of Cracker Barrel for purposes of the pending suit only.

Respectfully submitted this 9th day of October, 2007.

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC**
1600 Wachovia Tower
420 20th Street North
Birmingham, Alabama 35203
Phone: 205.328.0480
Fax: 205.322.8007

/s/ Harriet Thomas Ivy
Harriet Thomas Ivy
Alabama State Bar No. 2901-T531
Email: hivy@bakerdonelson.com

*Attorney for Defendant
Cracker Barrel Old Country Store, Inc.*

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CRACKER BARREL OLD)
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Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served the foregoing
MOTION FOR ADMISSION PRO HAC VICE with the Clerk of Court by using
the CM/ECF system which will send notification of such filing to the following
CM/ECF counsel of record:

Keith Anderson Nelms, Esq.
Law Offices of Jay Lewis, LLC
847 So. McDonough Street, Suite 100
Montgomery, Alabama 36104
Phone: 334.263.7733
Fax: 334.263.7733
andynelms@JayLewisLaw.com

This 9th day of October, 2007.

/s/ Harriet Thomas Ivy
Harriet Thomas Ivy
Alabama State Bar No. 2901-T531
Email: hivy@bakerdonelson.com



CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA }
NORTHERN DISTRICT OF GEORGIA } ss.
}

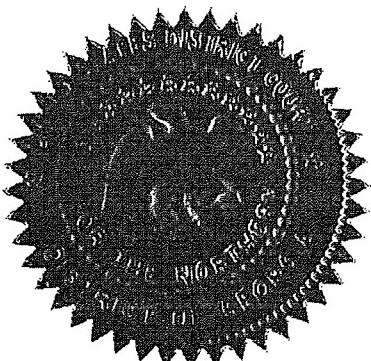
I, James N. Hatten, Clerk of the United States District Court for the Northern District of Georgia,

DO HEREBY CERTIFY that DAVID E. GEVERTZ, 292430, was duly admitted to practice in said Court on December 4, 1995 and is in good standing as a member of the bar of said Court.

Dated at Atlanta, Georgia, this 9th day of October, 2007.

JAMES N. HATTEN
CLERK OF COURT

By: Phyllis Brannon
Phyllis Brannon
Deputy Clerk





CERTIFICATE OF GOOD STANDING

UNITED STATES OF AMERICA }
NORTHERN DISTRICT OF GEORGIA } ss.
 }

I, James N. Hatten, Clerk of the United States District Court for the Northern District of Georgia,

DO HEREBY CERTIFY that STEPHEN PHILIP POCALYKO, 582602, was duly admitted to practice in said Court on January 24, 2005 and is in good standing as a member of the bar of said Court.

Dated at Atlanta, Georgia, this 9th day of October, 2007.

JAMES N. HATTEN
CLERK OF COURT

By: Phyllis Brannon
Phyllis Brannon
Deputy Clerk

